

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

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Amendment of 73.202(b))

MM Docket No. _____

Table of Allotments)

FM Broadcast Stations)

(Newberry & Simpsonville, SC))

Rm-9927

To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 CFR 1.420(g), Upstate-Carolina Broadcasting Company, LLC, licensee of station WGVC (FM), Newberry, SC, respectfully petitions the FCC to institute a Rule Making proceeding that proposes to amend the FM Table of Allotments to reallocate channel 292A ^{1/} from Newberry, SC to Simpsonville, SC as a first local service and to modify the license of station WGVC (FM) accordingly. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

DISCUSSION

Attached hereto is an engineering report, which contains a channel study confirming that channel 292A can be reallocated from

^{1/} Petitioner's October 1999 "one-step" application, to upgrade its Newberry FM facility from Class A to Class C3, is still pending at the FCC. See BMPH-991004ABS. Should that application be granted, the Petitioner respectfully requests that channel 292A at Newberry be substituted for channel 292C3 at Newberry and then moved to Simpsonville as a first local service.

Newberry, SC to Simpsonville, SC, consistent with the FCC's mileage separation rules. See Appendix A. ^{2/}

Moreover, the reallocation of channel 292A to Simpsonville, SC would not deprive the community of Newberry, SC of its sole aural service; rather, Newberry, SC would be left with two other local, aural transmission services. ^{3/}

Furthermore, reallocation of channel 292A to Simpsonville, SC would provide Simpsonville with its first local, aural transmission service. The proposal thus would result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).

Finally, if channel 292A is reallocated to Simpsonville, SC, the Petitioner will apply for it and, if ultimately granted a CP, Petitioner will promptly construct the FM facility.

Respectfully submitted,



Robert Lewis Thompson
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May 31, 2000

^{2/} The population of Simpsonville, one of the fastest-growing incorporated cities in South Carolina, increased more than 44% from 1990-97 (1997 est., S.C. Department of Commerce).

^{3/} Stations WKDK and WKMG are both licensed to Newberry, SC.

**Upstate-Carolina Broadcasting Co., LLC
Post Office Box 5
Union, SC 29379**

**Engineering Statement
Petition For Rulemaking
Newberry and Simpsonville, South Carolina**

May 2000

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F. W. Hannel, PE
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STATE OF ILLINOIS)
)
COUNTY OF PEORIA) SS:

F. W. Hannel, after being duly sworn upon oath,
deposes and states:

He is a registered Professional Engineer, by
examination, in the State of Illinois;

He is a graduate Electrical Engineer, holding Bachelor
of Science and Master of Science degrees, both in Electrical
Engineering;

His qualifications are a matter of public record and
have been accepted in prior filings and appearances requiring
scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him
personally or under his supervision and direction and;

The facts stated herein are true, correct, and
complete to the best of his knowledge and belief.



May 30, 2000

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Upstate-Carolina Broadcasting Co., LLC
Post Office Box 5
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Engineering Statement
Petition For Rulemaking
Newberry and Simpsonville, South Carolina

May 2000

This firm has been retained by Upstate-Carolina Broadcasting Co., LLC, licensee of Radio Station WGVC(FM), Newberry, South Carolina to prepare this engineering statement in support of its proposal to amend the FM Table of Allotments to assign FM Channel 292A to Simpsonville, South Carolina and to delete that channel from its present assignment at Newberry, South Carolina.

The community of Simpsonville is located at geographic co-ordinates N34-44-13, W82-15-16, and the requested allotment of FM Channel 292A can be made to the community at the city reference co-ordinates. Simpsonville had a 1990 population of 11,708 persons, (Exhibit E-1). The proposed allotment of FM Channel 292A to Simpsonville would be a first local service to that community¹.

Simpsonville has a substantial population, has its own school system, city government, (mayor and 5 city council members), its own fire department, its own zip code and a large number of commercial businesses. Clearly, Simpsonville meets all of the Commission's criteria as a community for FM Allotment purposes.

The assignment of FM Channel 292A can be made to Simpsonville at the city reference co-ordinates, N34-44-13, W82-15-16, and a transmitter operating from these reference co-ordinates fully complies with the provisions of Section 73.207 of the Commission's Rules as well as the requirements regarding city grade coverage.

¹ Petitioner is not proposing to remove the only aural service from Newberry, South Carolina. Should the Commission adopt the proposal of the petitioner, Newberry will continue to receive service from Radio Station WKDK(AM), operating fulltime on 1240 kHz, and from Radio Station WKMG(AM), operating on 1520 kHz

Attached as Exhibit E-2 is an FM Channel study which demonstrates that the proposed allotment complies with the mileage separation table contained in Section 73.207 of the Rules. With a city grade contour extending approximately 16 km, the community is totally encompassed within that contour.

In view of the foregoing, it is requested that the Commission institute a rulemaking proceeding looking toward amending the FM Table of Allotments as follows:

Community	Present	Proposed
Newberry, South Carolina	292A ²	-----
Simpsonville, South Carolina	----	292A

As is shown above, the above proposed changes in the FM Table of Allotments results in a preferential arrangement since the proposal provides a first local aural service to a community of substantial size while not depriving any community of a local aural service.

² Radio Station WGVC(FM), FM Channel 292A at Newberry, South Carolina has a one step upgrade to FM Channel 292C3 pending before the Commission, File No. BMPH-991004BS. Should this proposal be adopted, petitioner will withdraw that one step upgrade application.

Upstate-Carolina Broadcasting Co., LLC
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Union, SC 29379

Engineering Statement
Petition For Rulemaking
Newberry and Simpsonville, South Carolina

May 2000

Exhibit E-1

1990 US Census Data
Database: C90STF1A
Summary Level: State--Place

Simpsonville town: FIPS.STATE=45, FIPS.PLACE90=66580

PERSONS

Universe: Persons

Total.....11708

Upstate-Carolina Broadcasting Co., LLC
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Engineering Statement
Petition For Rulemaking
Newberry and Simpsonville, South Carolina

May 2000

Exhibit E-2

FM CHANNEL STUDY
FM Channel 292A
N34-44-13 W82-15-16

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLR
W290AE	Laurens	SC	290	D	C	36.7	0.0	137.6°	36.7
W290AE	Laurens	SC	290	D	L	34.3	0.0	139.7°	34.3
ALC	Toccoa	GA	291	C	U	113.3	165.0	269.6°	-51.7 ³
WNGC	Toccoa	GA	291	C	D	134.9	165.0	252.8°	-30.1
WNGC	Toccoa	GA	291	C	L	113.3	165.0	269.6°	-51.7
WNGC	Sugar Hill	GA	291	C1	A	134.9	133.0	252.8°	1.9
ALC	Waxhaw	NC	291	C2	U	136.4	106.0	83.2°	30.4
WNMXFM	Waxhaw	NC	291	C2	C	134.7	106.0	83.1°	28.7
ALC	Newberry	SC	292	A	U	79.4	115.0	124.9°	-35.6 ⁴
ALC	Newberry	SC	292	C3	V	63.2	142.0	142.7°	-78.8
WGVC	Newberry	SC	292	A	L	67.7	115.0	138.9°	-47.3
WGVC	Newberry	SC	292	C3	A	63.2	142.0	142.7°	-78.8
ALC	Black Mountain	NC	295	C	U	110.8	95.0	358.5°	15.8
WMIT	Black Mountain	NC	295	C	L	110.8	95.0	358.5°	15.8
WMIT	Black Mountain	NC	295	C	L	110.8	95.0	358.5°	15.8

All distances in kilometers

³ FM Channel 291C at Toccoa, GA has been downgraded to a class C1 channel and its FCC Form 302-FM application has been granted in MM Docket 98-162. See *MM Docket 98-162*, released May 18, 2000.

⁴ The proposed assignment of FM Channel 292A at Simpsonville is mutually exclusive with the assignment of FM Channel 292C3 at Newberry, therefore, the channel at Simpsonville should not be subject to outside expressions of interest. See *Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992)*